

REMARKS

In response to the Office Action dated December 15, 2006, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-15 are pending in the present Application. Claims 1, 8 and 10 are amended and Claim 9 is cancelled without prejudice, leaving Claims 1-8 and 10-15 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments can at least be found in the specification, the figures, and the claims as originally filed. Particularly, the support for amended Claims 1, 8 and 10 is at least found in originally filed Claim 9, Figure 3 and in the specification at Page 14, lines 2-15, page 15, lines 12-15, page 16, line 20 through page 17, line 11, page 18, lines 8-13, page 19, lines 1-14 page 19, line 24 through page 20, line 3, and page 21, line 23 through page 22, line 4.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. §102

Claims 1-9 and 13-15 are rejected under 102(e) as being anticipated by Gan et al., U.S. Patent No. 7,027,418 (hereinafter "Gan"). Applicant traverses the rejections. Claim 9 is hereinabove cancelled and rejections are rendered moot for this claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Amended Claims 1 and 8 recite, *inter alia*, "checking whether a replacement channel is stored if the channel interference is within a recoverable range occurs within the setup channel."

In non-limiting embodiments of the invention, methods are provided including selecting and storing a separate replacement channel in addition to a setup channel and then returning to the setup channel and performing data transmission when channel interference *within a*

recoverable range occurs in the setup channel, as claimed. Gan decides capacity data of a communication channel collection, selects a communication channel collection and performs data transmission through the selected communication channel collection. Gan discloses the condition for searching for a new communication channel when the capacity of the communication channel collection is less than a setup value, contrary to the claimed invention. Therefore, Gan does not disclose checking whether a replacement channel is stored if the channel interference is within a recoverable range occurs within the setup channel of amended Claims 1 and 8.

Thus, Gan fails to disclose all of the limitations of amended Claims 1 and 8. Applicant respectfully submits that Claims 1 and 8 are not further rejected or objected and are therefore allowable. Claims 2-7 and 13-15 variously depend from Claim 1 and are correspondingly allowable. Reconsideration, withdrawal of the relevant §102 rejections and allowance of Claims 1-8 and 13-15 are respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 10-12 are rejected under §103(a) as being unpatentable over Gan in view of Sim et al., U.S. Patent 6,697,984 (hereinafter "Sim") and further in view of You et al., U.S. Patent 7,079,516 (hereinafter "You"). Applicant traverses the rejections.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Firstly, the "channel interference detector" of the claimed invention detects channel interference by comparing non-identical bits of access codes added to a received pack to which data belongs. To the contrary, Gan discloses detecting the capacity of the channel by transmitting and receiving a special test packet. That is, Gan requires a separate packet transmitting receiving step to detect channel interference. Therefore, Gan does *not teach or*

suggest the channel interference detector for comparing the accumulated number of non-identical bits of access codes detected for a predetermined period of time with a prestored threshold value, and detecting from the comparison result whether channel interference occurs of amended Claim 10.

Secondly, the "transmission/reception controller" of the claimed invention searches for a replacement channel when channel interference within a recoverable range occurs in the setup channel. To the contrary, Gan searches for a new communication channel collection when the capacity of the communication channel collection is less than a setup reference value.

In the claimed invention, the "transmission/reception controller" checks whether there is interference in each channel while alternately transmitting data through the setup channel and the replacement channel. To the contrary, Gan detects the capacity of the communication channel while transmitting a special test packet through one communication channel.

Therefore, Gan does *not teach or suggest* the transmission/reception controller for searching channels of the random hopping frequencies for one channel with no interference, storing the searched channel as a replacement channel, if channel interference within a recoverable range occurs in the setup channel, , and then changing the replacement channel to a new setup channel or searching for a new replacement channel and storing the searched replacement channel if interference is continuously detected by the channel interference detector while alternately transmitting data through the setup channel and the replacement channel of amended Claim 10.

Sim and You *do not teach or suggest* the "channel interference detector" and the "transmission/reception controller" of the claimed invention and do not remedy the deficiencies of Gan.

Thirdly, it is conceded in the Office action at Page 14, that Gan fails to disclose the "transmission data generator" of the claimed invention, but Sim is relied upon as allegedly teaching this limitation of the claimed invention.

The "transmission data generator" of the claimed invention adds a redundancy in addition to the CRC and thereby recovers data lost when a packet is received by using the added redundancy, contrary to Sim. Therefore Gan and Sim do not *teach or suggest* the "transmission data generator" of the claimed invention.

You *does not teach or suggest* the “transmission data generator” of the claimed invention and do not remedy the deficiencies of Gan and Sim.

Thus, Gan, Sim and You, alone or in combination, do not disclose *all of the limitations* of amended Claims 10. Accordingly, *prima facie* obviousness does not exist regarding amended Claim 10 with respect to Gan, Sim and You.

Since Gan, Sim and You fail to teach or suggest all of the limitations of amended Claim 10, clearly, one of ordinary skill at the time of Applicant’s invention would *not have a motivation to modify or combine the references, nor a reasonable likelihood of success in forming the claimed invention* by the Examiner’s suggestion of modifying or combining the reference. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Thus, the requirements of *prime facie* obviousness are not met by the Examiner’s suggestion to modify and combine Gan, Sim and You. Applicant respectfully submits that Claim 10 is not further rejected or objected and is therefore allowable. Claims 11 and 12 depend from Claim 10 and are correspondingly allowable. Reconsideration, withdrawal of the relevant §103 rejections and allowance of Claims 10-12 are respectfully requested.

Conclusion

All of the rejections are herein overcome. In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Prompt issuance of Notice of Allowance is respectfully requested.

Application No. 10/527,923
Response dated: March 15, 2007
Reply to Office action dated: December 15, 2006

The Examiner is invited to contact Applicants' attorney at the below listed phone number regarding this response or otherwise concerning the present application.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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